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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,697	11/09/2001	Lieve Maria Marcella Rosemarijn Bos	Q67153	5798
7590	03/28/2005			
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213				EXAMINER LE, TRAN Q
			ART UNIT 2633	PAPER NUMBER

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,697	BOS ET AL.	
	Examiner Tran Q. Le	Art Unit 2633	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 November 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/09/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the improper language and format are used. The abstract should be in narrative form and generally limited to a single paragraph within the range of 50 to 150 words. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 1 is objected to because of the following informality: typing error "order" on p. 17, line 21 should be corrected as "in order". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foti et al. (US Patent No. 6,546,247) in view of Pohjanvuori et al. (US Pub. No. 2003/0174684 A1).

Regarding claims 1, 9, 10 and 12, Foti discloses a method to route a packet switched mode call (col. 3, lines 4-9) from a first terminal of a first user (col. 3, lines 37-42, note that the delivery request of a real-time voice call to a called MS must come from a first calling party with a first terminal) who desires to communicate with a second user to a second terminal of the second user in a multi media telecommunication network (col. 3, lines 37-42, e.g. called MS refers to the second terminal of the second user), characterized in that in the event when the second user is not registered for call control on an application level of the telecommunication network, the method comprises the steps of:

- a) upon reception of the packet switched mode call for the second user, retrieving by a call service means (HLS, fig 1A-1C) of the telecommunication network, the bearer level location information of the second user from the bearer level location register (step 11, fig. 1A and col. 3, lines 37-42); and
- b) transmitting by the call service means an alerting message (step 23, fig. 1A and col. 4, lines 5-6, e.g. alerting message is in the form of page message), on the bearer level, according to the bearer level location information to the second terminal of the second user and thereby alerting the second terminal of an incoming packet switched mode call in order to enable thereby the second terminal to initialize, upon reception of the alerting message, an application register message for call control on the application level (step 30, fig. 1B and col.

4, lines 30-32, an application level registration process obviously must include an application register message) whereby application level location information is provided for storage in an application level location register (HLS, col. 4, lines 33-36) of the telecommunication network and in order to enable thereby the telecommunication network to route the packet switched mode call to the second terminal of the second user on the application level according to the application level location information (step 43, fig. 1C and col. 4, lines 48-52).

Foti differs from the claimed invention in that he does not disclose a detailed step of registering the second user via the second terminal according to a bearer level of the telecommunication network thereby providing bearer level location information of the second user being stored in a bearer level location register of the telecommunication network.

However, Pohjanvuori discloses a step of registering the second user (party of 150, fig. 1) via the second terminal (150, fig. 1) according to a bearer level of the telecommunication network (p. 6, par. 0079-0082) thereby providing bearer level location information of the second user being stored in a bearer level location register (240, fig. 2) of the telecommunication network.

Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate a step of registering the second user on the bearer level such as the one of Pohjanvuori into the method of routing a packet switched mode call of Foti in order to provide the bearer level location information for the second user ready for the use of call control on an application level of the telecommunication network.

Regarding claims 2 and 11, Foti discloses a step c) of initializing, upon reception of the alerting message (step 23, fig. 1A and col. 4, lines 5-6, e.g. alerting message is in the form of page message) by the second terminal, an application register message (step 30, fig. 1B and col. 4, lines 30-32, an application level registration process obviously must include an application register message) for call control on the application level and thereby providing application level location information for storage in an application level location register (HLS, col. 4, lines 33-36) of the telecommunication network in order to enable thereby the telecommunication network to route the packet switched mode call to the second terminal of the second user on the application level (step 43, fig. 1C and col. 4, lines 48-52).

Regarding claim 3, Foti discloses the telecommunication network is a mobile telecommunication network (abstract).

Regarding claim 4, Foti discloses the bearer level of the telecommunication network is a Generic Packet Radio System (abstract).

Regarding claim 6, Foti discloses checking a service preference data base of the multi media telecommunication network upon an actual preferred routing mode of the second user, and in the event when the actual preferred routing mode is a packet switched routing mode, executing the method to route a packet switched mode call (col. 3, lines 42-47).

Regarding claim 7; Foti discloses the step of initializing by the second terminal an application register message being executed automatically upon reception of the alerting message (col. 4, lines 5-37).

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foti et al. (US Patent No. 6,546,247) in view of Pohjanvuori et al. (US Pub. No. 2003/0174684 A1), and in further view of Plasse ("Call Control Scenario in the "all-IP" UMTS Core Network").

Regarding claim 5, Foti discloses the method to route a packet switched mode call, but fails to teach the call control on application level of the telecommunication network is a Session Initiation Protocol whereby the application register message is a Session Initiation Protocol register message.

However, Plasse teaches a call control on application level of the telecommunication network is a Session Initiation Protocol (fig. 2 and p. 324, col. 2, par. 4-5) whereby the application register message (REGISTER, fig. 2) is a Session Initiation Protocol register message.

Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to use a Session Initiation Protocol such as the one of Plasse in the method of routing a packet switched mode call of Foti in order to register the second user for call control on an application level of the telecommunication network utilizing the packet switched mode.

Regarding claim 8, Foti discloses the step of initializing an application register message upon reception of the alerting message by the second terminal, but fails to teach signaling to the second user by the second terminal of reception of the alerting message; and instructing by the second user to the second terminal of execution of the step c).

However, Plasse teaches a step of instructing by the second user the second terminal of execution of step c) (p. 324, par. 5).

Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate a step of instructing by the second user the second terminal of execution of initializing an application level registration in the method of routing a packet switched mode call of Foti in order to provide an alternative way to handle a call control registration on the application level.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Valentine et al. (US Pub No. 2002/0075846) is cited to show an apparatus, methods and systems for routing information from a packet-switched network to a mobile device communicating with a wireless telecommunications network.

Forslow (US Pub. No. 2003/0039237) is cited to show a common access between a mobile communications network and an external network with selectable packet-switched and circuit-switched services.

Penners et al. (US Patent No. 5,793,762) is cited to show a system and method for providing packet data and voice services to mobile subscribers.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran Q. Le whose telephone number is (571)272-2046. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TQL



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